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A Professional Corporation

**Restriction  
Election Fax  
Transmission**

November 11, 2003

OFFICIAL

TO: Commissioner for Patents  
Attn: Examiner Stephen L. Rawlings, Ph.D.  
P.O. Box 1450  
Alexandria, VA 22313-1450

FROM: Katherine M. Kowalchyk  
OUR REF: 11669.164USU1  
TELEPHONE: 612.371.5311

Total pages, including cover letter: 4

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Title of Document Transmitted:

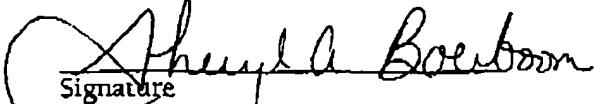
RESPONSE TO RESTRICTION  
REQUIREMENT AND PETITION FOR  
EXTENSION OF TIME

Applicant: PENNICA ET AL.  
Serial No.: 09/901,812  
Filed: JULY 10, 2001  
Group Art Unit: 1642  
Our Ref. No.: 11669.164USU1  
Confirmation No. 7879

Please charge Deposit Account No. 13-2725 in the amount of \$110.00 for 1-month extension of time fee. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: Katherine M. Kowalchyk  
Name: Katherine M. Kowalchyk  
Reg. No.: 36,848

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

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Signature  
Cheryl A. Boerboom

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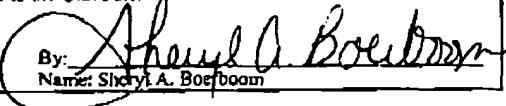
November 11, 2003  
Date

S/N 09/901,812

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	PENNICA ET AL.	Examiner:	S. RAWLINGS
Serial No.:	09/901,812	Group Art Unit:	7879
Filed:	JULY 10, 2001	Docket No.:	11669.164USU1
Confirmation No.:	7879	Customer No.:	23552
Title:	METHODS FOR ENHANCING THE EFFICACY OF CANCER THERAPY		

CERTIFICATE UNDER 37 CFR 1.6(d):  
I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on November 11, 2003.

By:   
Name: Sheryl A. Boelboom

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RESPONSE TO RESTRICTION REQUIREMENT

**OFFICIAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is being submitted in response to the Restriction Requirement mailed October 3, 2003. Without acquiescing to the statements made therein, Applicants hereby elect the claims of Group 45 (claims 1-10) with traverse for prosecution in the instant application. Applicants submit that it would not be unduly burdensome, in the least, to search other groups 41-44 and 46-50. The Examiner has restricted the claims to a single protein and a single type of cancer. Since the search for each of the different types of cancers involves the same class and subclass, Applicants submit that the Examiner has not established the search would be unduly burdensome to also search groups 41-44 and 46-50. Moreover, Applicants submit that the Examiner is likely to find prior art that covers more than one type of cancer. Applicants respectfully request

reconsideration of the restriction requirement. Examination on the merits is respectfully requested.

Respectfully submitted,

Merchant & Gould P.C.  
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Minneapolis, MN 55402  
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Dated: Nov. 11, 2003

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